Exhibit A

UNITED STATES DISTRICT COURT

DISTRICT OF RHODE ISLAND

RODNEY BARBER :
:
VS. : C.A. NO.: 05-390-ML
:
VERIZON NEW ENGLAND, INC. :

DEPOSITION OF RODNEY BARBER, a Plaintiff in the above-entitled cause, taken on behalf of the Defendant, before Barbara Warner, Notary Public in and for the State of Rhode Island, at the offices of Edwards, Angell, Palmer & Dodge, One Financial Plaza, Providence, RI, on May 10, 2006 at 10:00 A.M.

PRESENT:

FOR THE PLAINTIFF............. LAW OFFICE OF BRUCE GLADSTEIN
BY: BRUCE GLADSTEIN, ESQUIRE

FOR THE DEFENDANT............. EDWARDS, ANGELL, PALMER & DODGE
BY: JOHN D. DORAN, ESQUIRE

ALLIED COURT REPORTERS
115 PHENIX AVENUE
CRANSTON, RI 02920
401-946-5500

then Alex Welding, and then you were unemployed. And then you went to work for Verizon?

A. Yes.

Q. I believe you started working for Verizon in 1985?

A. Yes.

Q. And you have been working for Verizon ever since, except for the period of your termination; is that correct?

A. Yes.

Q. During the time you worked for Verizon, have you had any other jobs or side jobs or anything like that?

A. No.

Q. When you started in 1985 for Verizon, what did you do?

A. I was an installer.

Q. What does that mean exactly?

A. I would install telephone lines to homes and businesses.

Q. Is this like an inside job installing the jacks and things in the business?

A. It is both.

Q. So working on the poles and things like that?

A. Yes.

Q. Were you able to get the job because of your experience in the Marines and Green Tree Communications?

MR. GLADSTEIN: Objection. If you know.

A. I don't know for sure. I believe so.

Q. Was your experience at Green Tree and in the Marines relevant to your job at Verizon?

A. Yes.

Q. Did you also go through a training program or anything like that when you were hired by Verizon?

A. Yes.

Q. How long a training program was that?

A. Two weeks.

Q. Were you hired, was it a union represented position?

A. Yes.

Q. What union are you in?

A. At the time it was Local, it was the International Brotherhood of Electrical Workers.

Q. So you have always been IBEW, but have the locals changed?
A. Yes.
Q. You worked as an installer and you would work inside and outside?
A. Yes.
Q. Give me an example of things you would do inside a residence or business?
A. I would install jacks, wiring.
Q. Things like that?
A. Yes.
Q. And outside, what would you do?
A. Hang the drop wire from the telephone pole to the building. Retrieve facilities, that means the pair of wires that they are going to go on and whatnot.
Q. And how would you do that, were you climbing poles or what were you doing physically?
A. Climbing poles.
Q. Did they have the bucket trucks at the time?
A. I never did that, no.
Q. They were around, but you were never assigned to one?

A. That's correct.
Q. How long did you work as an installer for?
A. Fifteen years.
Q. Until 2000?
A. Yes.
Q. Are there different grades or levels, or are you just an installer and you would move up according to the seniority provisions in the collective bargaining agreement?
A. The procedure is, it changed. At the time it was you would start as an installer. And then you would have to bid on another job, which they have a repair department. They had a cable department. They an underground department. They had different departments. Somewhere in 1996 or 1997, they made it all one. We were called I and R technicians, installation and repair technicians, but I could be in cable or underground, anything like that.
Q. So the department changed in installing and repair technicians, but you kept doing the same thing?
A. That's correct.

A. Allens Avenue.
Q. And that was in 1996 or 1997?
A. 1995 to 1996.
Q. How long were you at the Allens Avenue location?
A. Until 2000.
Q. What happened in 2000?
A. I bid into central office equipment.
Q. And that is the position you are in now?
A. Yes.
Q. What is that exactly?
A. We install equipment in the central office.
Q. In Verizon central offices?
A. Yes.
MR. GLADSTEIN: Off the record.
(OFF THE RECORD)
MR. DORAN: Back on the record.
Q. You said you bid into the central office equipment installation?
A. Yes.
Q. And that was installing equipment in the central office?

Q. The same?
A. I would say the same.
Q. And you are still in this central office equipment installation; is that correct?
A. Yes.
Q. Who is your current supervisor?
A. David Paolino is an immediate supervisor.
Q. What is his title?
A. First level management.
Q. That is what he is called, first level management?
A. Yes.
Q. Explain the hierarchy, how does it go up from David?
MR. GLADSTEIN: If you know.
A. I know as far as 7th level management, it goes 1, 2, 3, 4, 5, 6, 7. What is after that, I don't know.
Q. Who is the second level manager?
A. Joseph Conway.
Q. Who is above Mr. Conway?
A. Lorna Deplitch.
Q. Do you know who is above Ms. Deplitch?
A. No, I don't.

Q. And Mr. Conway and Ms. Deplitch were your second and third level supervisors in management at the time of your termination?
A. Yes.
Q. How about Mr. Paolino, was he?
A. No.
Q. That was Sharon Mello?
A. Yes.
Q. When did Ms. Mello start being your first level supervisor?
A. 2005.
Q. I believe Mr. Paolino was present at your termination meeting in January of 2004; is that correct?
A. Yes.
Q. Why was he there?
MR. GLADSTEIN: If you know.
A. I don't know.
Q. Do you know what his role was at that time, or did you have any interactions with him?
A. No.
Q. So had you ever met him before?
A. Yes.
Q. Was he, did he work in the office?
A. He was an installer himself prior.

Q. Now, you said you are on the road, that you are not at the 233 Washington office all that often; is that correct?
A. Other than 2005.
Q. What kind of interactions would you have with your first level manager, whether it was Sharon Mello or David Paolino?
A. Almost on a daily basis.
Q. How would you interact with them?
A. Through a phone call or E-mail.
Q. How about with Joe Conway?
A. Hardly any at all.
Q. How many times had you met him before you were terminated, do you know?
A. I really never actually met him.
Q. Did you know who he was before your termination meeting?
A. Yes.
Q. When you say you did not meet, you were never formally introduced?
A. Yes.
Q. But you knew who he was because he is the boss?
A. Yes, I saw him.
Q. I believe Lorna Deplitch you never met

until the arbitration; is that correct?
A. That's correct.
Q. Have you seen her since then?
A. Once.
Q. When was that?
A. 2005.
Q. Why?
A. Just in passing.
Q. Currently your interactions with Joe Conway were the same as they were before your termination?
MR. GLADSTEIN: Objection as to the form.
Q. You said, and I believe you said prior to your termination you never really met Joe Conway and you hardly ever interacted with him. Is it still that way in your daily work life now?
A. I have spoken to him and seen him more often since I have been back from my termination.
Q. Why is that?
MR. GLADSTEIN: If you know.
A. I don't know why, the reason.
Q. Did he initiate the meetings or did you

Q. Any lasting injuries or effects from that?
MR. GLADSTEIN: Objection. You can answer.
A. No, not that I know of.
MR. DORAN: Off the record.
(OFF THE RECORD)
MR. DORAN: Back on the record.
Q. As I said at the beginning, you are bringing a disability claim and this is a sensitive subject and confidential. Unfortunately I need to ask you a number of questions. I know you have been diagnosed with hepatitis C. Other than that, do you suffer from any other medical conditions that are disabling?
A. No.
Q. When were you first diagnosed with hepatitis C?
A. I believe the very first time I was diagnosed was, I am not exactly sure. I would have to say 1994 or 1995.
Q. Your claim in this action says you were diagnosed in 1997, could that be an accurate date?

A. It could be.
Q. Who was the doctor who first diagnosed you?
A. I can't remember.
Q. Was it your primary care physician?
A. He was at the time, yes.
Q. How did it come about that you were diagnosed, were you symptomatic?
A. No. I had a neuroma in my node.
Q. What is that?
A. A pinched nerve. And I guess after they did blood work they discovered it.
Q. You did not have any symptoms of the hepatitis C at that point?
A. No.
Q. When they did the blood work, is that standard blood work they do?
MR. GLADSTEIN: If you know.
A. I don't know. I don't know why they go through that.
Q. Were you ever told how it was you contracted the disease?
A. No.
Q. Do you know how you contracted the disease?
A. No.
Q. Have you ever had blood transfusions?

any questions about marijuana, his use of it, there is going to be a running objection.

MR. DORAN: Understood.

Q. Before we broke, you said that you used marijuana for medicinal purposes saying when you are nauseous, fatigued. Why are you nauseous, do you know?

A. No.

Q. How often do you experience feelings of nausea?

A. A couple of times a month.

Q. Do you know if that is related to hepatitis?

A. I believe it is. I don't know.

Q. Why do you believe it is related to hepatitis?

A. I was told that I would, I am at the stage where I will, it will cause fatigue and affect my sleep-wake cycle.

Q. Were you told that it would cause nausea?

A. Yes, the fatigue and lack of sleep would cause nausea, ill effects, not specifically nausea. If my doctor said nausea, I don't recall.

Q. You don't recall or no physician ever told you you would experience nausea?

A. I don't recall if he said that or not.

MR. GLADSTEIN: Make sure he finishes the question before you answer.

Q. You said you experienced feelings of nausea two or three times a month; is that accurate?

A. Yes.

Q. Do you smoke marijuana each time you feel nauseous?

A. No.

Q. You also said you smoke marijuana because you are fatigued?

A. No, not because I am fatigued. That usually brings on the nausea.

Q. And as a result of that, you smoke marijuana?

A. When I feel it is necessary.

Q. The marijuana does not help you with the fatigue at all, I presume?

A. No, I would not imagine.

Q. When did you begin smoking marijuana?

A. When I did begin smoking marijuana?

MR. GLADSTEIN: If you

Q. What stage is that?
A. Stage 4 and 5.
Q. Who told you that you are at that stage?
A. Both my primary physician and the physician who is treating me for that.
Q. Who is your primary care physician?
A. Dr. Rinchen Emgushov.
Q. Who is the physician that is treating you specifically for the hepatitis?
A. Dr. Ukomadu. I believe that is his last name, Ukomadu.
Q. Can you spell that?
A. I have it.
Q. Do you mind, because I don't think I have gotten any records from Dr. Ukomadu.
MR. GLADSTEIN: That is fine.
THE WITNESS: U-K-O-M-A-D-U.
Q. Where is his practice?
A. Brigham and Women's in Boston.
Q. How long have you been treating with Dr. Ukomadu for?
A. Approximately 13 or 14 months.
Q. Before that you were with Dr. Sepe?
A. That's correct.
Q. When you were first diagnosed with

hepatitis, you said it came back as a result of blood work?
A. Yes.
Q. So you were not experiencing any symptoms at that time, I presume?
A. That's correct.
Q. And do you know when you were diagnosed, at that time were you diagnosed at stage 1, or do you know?
A. I don't know.
Q. How has your disease progressed, if it has, since you were first diagnosed?
MR. GLADSTEIN: If you know.
A. I am told rapidly.
Q. Who told you that?
A. Dr. Rinchen Emgushov, my primary.
Q. How, what symptoms have you felt as a result of that, if any?
A. None until recently.
Q. When you say recently, when did you start feeling symptoms?
A. Last two or three months.
Q. What symptoms have you felt?
A. Trouble sleeping.
Q. What time do you normally go to bed?

A. Between ten and 11 p.m.
Q. When do you have to be to work in the morning?
A. Seven a.m.
Q. What time do you typically wake up?
A. Between 5:00 and 5:30 a.m.
Q. How has the hepatitis interfered with that cycle?
A. Sometimes I wake up at two in the morning, sometimes three in the morning. Sometimes I can't get to sleep until two or three in the morning.
Q. How often do you wake up in the middle of the night?
A. Almost always.
Q. Every day?
A. Yes.
Q. How long are you up for?
A. On a normal basis, between an hour or two.
Q. And this started just recently?
A. Yes.
Q. The last two or three months?
A. That's correct.
Q. Before that, did you have any trouble

sleeping?
A. No, not really.
Q. You said sometimes you just have trouble falling asleep?
A. That's correct.
Q. How often does that happen?
A. One or two times every two weeks.
Q. So a couple of times a month or two to four times a month?
A. Yes.
Q. You mentioned earlier the hepatitis makes you fatigued, is that also a recent onset symptom, that you feel fatigued?
A. That I noticed.
Q. What do you mean that you noticed?
A. We all get fatigued, but lately I feel a little bit extra.
Q. When is that, during the day or in the evening?
A. It varies.
Q. So it can be during the day or in the evening?
A. It can be during the day or in the evening.
Q. Now, if you are fatigued, how can you have

trouble falling asleep or waking up in the middle of night? Has any doctor explained that to you?

A. Yes. He explained that is the liver, it is the disease causing it. It will cause fatigue and it will affect your sleep-wake cycle.

Q. So it can tire you out sometimes and wake you up at other times?

A. That's correct.

Q. Which doctor told you that?

A. Dr. Ukomadu.

Q. All of these symptoms are just in the past two or three months or so?

A. Yes.

Q. Other than feeling fatigued and interfering with your sleep cycle, any other symptoms?

A. No.

MR. GLADSTEIN: Off the record.

(OFF THE RECORD)

MR. GLADSTEIN: Back on the record.

Q. When you were first diagnosed, you said you were diagnosed by your primary care

physician; is that correct?
A. That's correct.
Q. But you don't remember his name?
A. No.
Q. And you don't remember if it was the mid 1990s?
A. Yes.
Q. Did you have to make changes in your lifestyle as a result of that diagnosis?
A. No.
Q. Since the time you were diagnosed until present, have you made any changes in your lifestyle?
A. Yes.
Q. What changes are those?
A. Different diet.
Q. How has your diet changed?
A. I try to stay away from anything that is going to make the liver work any harder, fats, spices.
Q. What kind of foods do you have to avoid?
A. Fried, fatty, spicy.
Q. No French fries?
A. I am supposed to avoid those.
Q. You slip every once in a while?

A. Yes.
Q. Spicy, is that just Indian, really spicy foods?
A. That was not too big of a problem because I was not that much into spicy foods anyway.
Q. But the fat, just --
A. Whole milk, soda.
Q. All of the good stuff?
A. Yes. All the good stuff that I should not have been eating anyway.
Q. Other than changes to your diet, what other changes have you made to your lifestyle?
A. Nothing really.
Q. The hepatitis, how does that affect your work?
A. How does it affect my work, it does not affect my work.
Q. Besides the changes to your diet, fatigue and the sleep-wake cycle, has the hepatitis had any other affect on your life at all?
A. Not really, no.
Q. You say not really, if it has some effect, please let me know?
A. I mean, you wake up every day wondering

if today is going to be the day. Every day I think about when my health is going to turn for the worst. Any little thing, any ache or pain, you wonder if that is it. There is probably a little bit more worry, you know.

Q. Have doctors told you what to expect in terms of progress of the disease?

A. Yes.

Q. What have they told you?

A. There is really not many symptoms other than that fatigue and sleep-wake cycle. Other than that, I will begin to get jaundice and that is the sign that it is time for a transplant.

Q. Is it definite you will need a liver transplant at some point in the future?

A. Yes.

Q. Who told you that it is definite?

A. Since I have been diagnosed, every doctor. Every one but the first doctor. They did not know much about it then.

Q. Have they given you any indication as to when you will need a liver transplant?

A. Yes.

with Dr. Sepe in 2001?
A. No.
Q. When did you start treatment with Dr. Sepe?
A. 2003.
Q. When you went into the second program?
A. That's correct.
Q. That was a referral from Dr. Emgushov you said; is that correct?
A. Yes.
Q. And then the first program was a six-month program and the second one was supposed to last for how long?
A. Three months.
Q. And you went out of work sometime in October of 2003?
A. I am not sure.
Q. Take a look at this letter again?
A. Okay.
Q. And the third sentence says, He was enrolled in co-pilot study in October of 2003?
A. October what?
Q. It says October of 2003, if you take a look at the letter.
A. It may have been.

Q. Does that seem accurate, it was sometime in October?
A. It could have been the end of October. I know it was a three-month program. So November, December, January and February. When I came back to work, like I said, as far as I remember I had four shots left to take to complete the program.
Q. And your actual date of termination was January 26, 2004?
A. I thought it was sooner.
Q. You came back to work January 15 of 2004?
A. Yes.
Q. But you were not actually terminated at that time?
A. Correct.
Q. Your letter of termination, and I will show that to you. You came back to work on January 15, 2004?
A. No, I believe it was before that.
(EXHIBIT 3 MARKED FOR IDENTIFICATION)
Q. This letter is dated January 29, so you were not informed of your termination until the end of January; is that correct?
A. As far as I remember, I was informed

be going out for treatment.
Q. So this was back in 2002?
A. As far as I remember, Sharon was my supervisor on the first one, but I could be wrong. Definitely on the second one. I am not sure about the first time.
Q. And we talked about it, but Dave Paolino was not your supervisor until you came back from the termination?
A. That's correct.
Q. So Sharon Mello was your supervisor from the timed you started in central office until your termination?
A. No.
Q. Who was your supervisor?
A. My first supervisor when I first started was Roger something.
Q. Then was there somebody else?
A. I don't think so. That is why I am thinking Sharon was next.
Q. Prior to going out on treatment, when you were diagnosed with hepatitis C, did you tell anybody about it at work?
A. No.
Q. There was no reason to bring it up?

Q. Were you friendly with Sharon?
A. Yes. She was okay.
Q. Did you have any conversation with Joe Conway about on this first leave you were going out on?
A. No.
Q. Any conversation with Lorna Deplitch?
A. No.
Q. You said you would have to speak to your supervisor and also call into some 800 number?
A. Yes.
Q. What else did you have to do to apply for the leave?
A. As far as I knew, that was about it.
Q. Did you fill out the FMLA form?
A. Yes.
Q. Any other forms you needed to fill out?
A. I don't think so.
Q. And did you have to fill out any forms for disability payments or something like that while you were out?
A. No.
Q. You did not have to fill out any forms for that?

Q. And you have been told that it is always a terminal illness?

A. When you say terminal, do you mean definitely going to die?

Q. Yes.

A. No, I have not been told that.

Q. What have you been told?

A. That it is a very painful death, very ugly death. And if you don't receive a transplant in time, that is what you are going to go through.

Q. Have you been told that you in particular need a transplant or everyone who gets diagnosed with hepatitis C needs a transplant?

A. Both.

Q. Just moving on to discrimination, tell me why you think Verizon discriminated against you?

A. I think because I am what they call a nonproductive employee, being ill for six months and then three months. I believe they know I will be ill again eventually. And they don't like paying people who do not produce. And it was an opportunity for them to get rid of me. And that also gets my pension and any matches they match with stock and everything. I believe they saw an opportunity and they took it.

Q. When you say they call it a nonproductive employee, is that a term you hear or is that your own words?

A. That is a term they use.

Q. Who have you heard use that at Verizon?

A. I have seen it written. We have a code. In fact, if you take a half day or whatever, it is a code that says nonproductive.

Q. Where is that code?

A. Four hours for nonproductive work.

Q. Where is that code?

A. That is called, the MAs put in for your time.

Q. Who are the MAs?

A. Administrators in the office.

Q. If you take four hours of sick time --

A. It depends if it is sick. If it is sick, they call it sick. If you just take a personal day, they call this nonproductive and I believe it is on the

check stub. It tells you how many hours nonproductive.
Q. That refers to just personal time, the nonproductive?
A. I am not sure, but I think that is where I have seen it, just on the personal time.
Q. If you take sick time, it does not come up as nonproductive?
A. Yes.
Q. You said they, has anybody at Verizon said this to you?
A. Said what?
Q. That they feel you are a nonproductive employee?
A. In what terms?
Q. Has anybody at Verizon ever said that to you?
A. Said the exact words, you are a nonproductive employee?
Q. Or words to that effect.
A. I have been told you will get paid as a nonproductive employee.
Q. Who told you that?
A. The administrator. She was going to

put it in as nonproductive.
Q. Have your supervisors said that?
A. Yes. They said take your half day and we put you in as nonproductive.
Q. But they are referring to the code?
A. Yes.
Q. But that code has nothing to do with sick time?
A. Yes.
Q. We talked about 2002 and 2003 extended disability leaves, does that come up as nonproductive?
A. No.
Q. Who do you think the specific people are at Verizon who have discriminated against you?
A. I feel that I have personal knowledge of my first, second and third level management.
Q. So Sharon Mello?
A. Yes.
Q. Why do you think she discriminated against you?
A. By following the consensus, I don't know what you call it. I guess it would come from Joe, which would come from Lorna

and down to her. She relates it to me. Joe has tried to discriminate me personally recently. And Lorna, to me it is an obvious discrimination. I think the file is very accessible.

Q. You said your first line supervisor, Sharon Mello. David Paolino, do you feel he has discriminated against you?

A. No.

Q. And you feel Joe has discriminated against you?

A. Yes.

Q. Why?

A. Just recently he tried to get me to say I couldn't do my job because of my illness because of the sleep-wake cycle. Part of my job is to work some nights to power equipment. I worked like four nights and there was one more night to go and I could not do it. And I was ill from lack of sleep. I asked my first level supervisor, which is a common thing, look, I will come back on the day shift, can you send somebody else, I can't make it for the night shift. She said, okay. The next day she called and said, that is part of your job, you have to work nights, and Joe wants to talk to you about it. So Joe called for me and I asked if I needed a union representative. He said no, it is not a disciplinary action. You don't need a union representative. I said, because of what is going on, I would like to have my attorney present or someone. He said no, I don't deal with attorneys. It is not disciplinary. And I am telling you you have to be here at seven in the morning. So I called my union rep. And my union rep showed up. But he said that it is not going to be disciplinary and he had something else to do and not to worry about it and go in to see what he has to say. I went in and he told me I have to work nights. I say I understand that, but I have a problem working extended nights. So you are telling me you cannot do your job. I said, Joe, I am not telling you that. I said, look, I will go see my doctor and see what he says about it. And the following day I got a call and said I was to report to a job and it was going to be 30 days of nights. I said, come on. We have just been discussing this. I said, okay, I went to the doctor's office and I actually had an appointment. And I went to explain to him what was going on. He wrote a letter. And the letter stated what he was treating me for and that it does affect my sleep-wake and please consider especially during a shift change. I gave him that letter. Again, we had another meeting again. So you are telling me you cannot do your job. No, on a regular basis I can work two or three nights, which is normal. I can do the job. When it gets to the extended nights, I have a problem. Please consider that. And then he told me he would get back to me on that and that was the end of that.

Q. When did all of this happen?

A. Probably about the third month or fourth month I was back to work.

Q. So this was sometime in 2005?

A. Yes.

Q. How do you feel Joe discriminated against

you with respect to your termination?
A. Well, I feel that, again, I believe it was very excessive. And he took that ball and ran with this.
Q. When you say it is excessive, what do you mean?
A. Terminated 14 months, not 14 months. The only reason I am back to work is through arbitration. They were going to terminate me for something, that if anything I owed them two days, got docked two days pay, according to the rule I was fired under.
Q. When you went to Las Vegas in 2004, do you think you did anything wrong in doing that?
A. Absolutely not.
Q. Why not?
A. I was told by my doctor if at any time while doing treatment I can get away and try to relax and get my mind off things, by all means do so. And the question was was I going to be well enough. This wedding was planned a month or two months prior to me even knowing when I was going out and it turned out to be that time. And it was at

the very end of it and it was an opportunity to get away and relax, which is pretty much all I did.

Q. Were you aware that you were required to report to Met Life and receive permission before traveling?

A. No.

MR. DORAN: Do you want to put this into the record.

MR. GLADSTEIN: If you want to just put in the pages you refer to, that is fine.

MR. DORAN: Off the record.

(OFF THE RECORD)

MR. DORAN: Back on the record. Mark this as Exhibit 5.

(EXHIBIT 5 MARKED FOR IDENTIFICATION)

Q. Showing you the Verizon disability plan, do you recognize this?

A. I recognize the cover.

Q. Do you recall when you received this document?

MR. GLADSTEIN: This specific one?

MR. DORAN: Yes.

A. No, not exactly. I can't recall.
Q. Do you know you did receive it?
A. I received a document.
Q. Do you know if it was this document or not?
A. No.
Q. If you take your time and look through it, would you be able to tell if it was this document?
A. No.
Q. Why not?
A. Any time I received books from my medical coverage, they usually stayed pretty much in the package.
Q. You never read this document or any other document looking like this?
A. No.
Q. Are you familiar with Verizon's code of business conduct?
A. Yes.
Q. And you received training on the code of business conduct?
A. Probably twice in my career.
Q. When was the last time you received training on it?
A. Probably ten years ago. Excuse me,

they just reviewed one a week ago because they changed it.
Q. Prior to your termination, you think it was ten years ago?
A. Yes, easy.
Q. Back to Mr. Conway, you were saying why you think he discriminated against you with respect to your termination?
A. For whatever reason, I think he blew it up. Like I said, what I call took the ball and carried it. And it seemed to me it was determined to have me fired because he has the power to definitely not go that far.
Q. What do you think he did? Why do you know he took the ball and ran with it?
A. Because I think he is thinking I am a nonproductive employee and not doing them any good.
Q. Did he ever make statements to you to that effect?
A. No.
Q. Why do you think that?
MR. GLADSTEIN: When you say any statements to that effect, are you still talking about the 2003 or 2004

termination?

MR. DORAN: Yes.

Q. Did he ever make statements to you that he considered you a nonproductive employee with respect to your termination?

A. No, not that I recall.

Q. Do you know if he was aware of the fact that you had hepatitis C at the time you were terminated?

A. I can't say for sure, but I believe he did.

Q. Why do you believe he did?

A. Well, he is Sharon's boss, so he wants to know where his people are and what they are doing and why, I would imagine.

Q. Did Sharon or Joe ever say anything to you about that?

A. About the hepatitis C?

Q. Whether Joe knew you had hepatitis C?

A. I don't recall that.

Q. Why do you think Lorna Deplitch discriminated against you?

A. Same reason, she saw the opportunity.

Q. Why do you think she did that?

A. I can't guess what is in her head. I

don't know.

Q. Did she ever make or did you ever hear her make statements with respect to your hepatitis C?

MR. GLADSTEIN: With regard to his termination?

Q. Any statements regarding your hepatitis C?

A. I am not sure if she was asked that in the arbitration. If she was, that would be the only time I heard her because I never met her other than the arbitration.

Q. Do you know if she knew you had hepatitis C at the time she terminated you?

A. I don't know.

Q. Showing you Exhibit 6, do you recognize this document?

(EXHIBIT 6 MARKED FOR IDENTIFICATION)

A. Yes.

Q. These are your answers to interrogatories; is that correct?

A. Yes.

Q. And this is your signature on the last page of the document; is that correct?

A. Yes.

Q. And you signed these interrogatories under

oath; do you understand that?
A. Under oath?
Q. That you verified the information is accurate?
A. Yes.
Q. Look at interrogatory number 14?
A. Okay.
Q. And the question I asked there is, Please describe all facts which support the contention made in Paragraph 23 of your complaint that the actions of Verizon denied you the ability to make and enforce contracts as a result of your alleged disability. Your response is, Other co-workers in the same situation were only suspended not terminated from their position, but I was. Who are the other co-workers you were talking about there?
A. I would have to get their names, but I know of at least two that were not terminated.
Q. When you say the same situation, what do you mean?
A. They were, one was suspended and one was given a verbal warning for traveling

while out on medical leave or whatever.
Q. How do you know about these two other co-workers?
A. Through the union.
Q. Do you know these people personally?
A. I don't know. I may.
Q. You don't know their names?
A. Offhand, no.
Q. Have you ever been told their names?
A. I don't believe so.
Q. What have you been told about them?
A. I was told that one --
Q. Who told you this?
A. My union president.
Q. Who is?
A. Bill McGowan.
Q. Go ahead.
A. That the one woman was out sick and the company called for whatever reason and her daughter answered, I believe they said, and told them she is not here. She is down the Cape for the weekend. And I guess when she got brought back, they asked and she admitted she was and they gave her a day's suspension.

Q. Do you know when this occurred?
A. 2003, I believe, or 2004, between 2003 and 2004.
Q. And the employee in question, you don't know her name, was she on sick leave?
A. Yes.
Q. Sick leave and taking a couple of sick days or disability leave?
A. I don't know for sure.
Q. Was it an extended disability leave like you were on or you don't know?
A. I don't know.
Q. And what was the other situation?
A. I didn't hear the details of the other situation, but I heard she was also on whatever, disability, but it was a medical thing. And that she was just verbally warned.
Q. And you don't know that person's name?
A. No.
Q. Were you also told that by Mr. McGowan?
A. Yes.
Q. When were you told this by Mr. McGowan?
A. I believe as we were going through arbitration.

Q. Was any, do you recall any evidence on this being presented at the arbitration?
A. No.
Q. Do you know why it wasn't presented at the arbitration?
MR. GLADSTEIN: Objection.
Q. If you can answer the question without telling me anything that any attorney may have said to you.
MR. GLADSTEIN: Objection withdrawn.
Q. I know there was no evidence presented on either one of these people at the arbitration, so I want to figure out, maybe it was Mark Gursky who made a decision and you talked about it. If you talked to him about it, I am not entitled to know about it. If there was conversations you had with Mr. McGowan where Mr. Gursky was not present, that is what I want to find out.
A. When he told me about these was in the local union office.
Q. Prior to arbitration?
A. We were going through it. Not the day of it.

Q. And then did you have any conversation with anyone, except Mark Gursky or another attorney, why information was not presented on these people at the arbitration?
A. No, I don't.
Q. Your only basis for this statement is what Mr. McGowan told you?
A. Correct.
Q. And you said you can get the names of those people for me?
A. I would hope so.
MR. DORAN: I ask that.
MR. GLADSTEIN: He does not know the names and he was never told the names, so he does not have any firsthand knowledge or knowledge that is in his control and possession as to the names. So to ask him or ask us to provide the names, if he had them I would say fine. They would be through another source and I don't think he has an obligation to go through that source to provide you the names. If you want to depose the president of the union and get those names, that is a different story. But it is not as though

they are back at his house and he just does not remember. He was never told them.
Q. Is that what you said?
A. That's correct.
Q. Your charge of discrimination, do you recognize this document?
(EXHIBIT 7 MARKED FOR IDENTIFICATION)
A. I recognize my signature.
Q. Have you ever seen this document before?
A. I must have, if I signed it.
Q. This is the charge of discrimination that was issued by the Rhode Island Commission for Human Rights?
A. Okay.
Q. In this charge it says that you were denied a reasonable accommodation by Verizon; do you see that section?
A. Um-hum.
MR. GLADSTEIN: Paragraph 1?
MR. DORAN: Yes.
Q. It says, I was subjected to discriminatory terms and conditions of employment, including denial of reasonable accomodation. What reasonable accommodation were you denied?

A. Accommodations, other than trying to be forced to work extended nights.

Q. But that was after you were reinstated?

A. Yes.

Q. Prior to your termination, what reasonable accommodation did you request?

A. I am not sure if I requested any.

Q. You are not sure or you did not?

A. I am not sure.

Q. You could have, you just don't recall?

A. Correct.

Q. Did you ever ask Verizon to make any allowances for you as a result of your hepatitis C?

A. Not that I recall.

Q. Also, looking at your charge of discrimination, in the third paragraph, the third numbered paragraph, the third sentence, it says, I believe my employer viewed me as a liability to the company because of my terminal illness and looked for a reason to terminate my employment. What is the basis for that statement?

MR. GLADSTEIN: You mean other than what he has testified to earlier?

MR. DORAN: Yes.

A. It is pretty much about the same as to what I testified to earlier.

Q. Did anybody ever tell you they thought you would be a liability?

A. Not that I am aware of.

Q. This is just a conclusion of yours?

A. It is a consensus.

Q. What does that mean?

A. I have heard people say the same thing.

Q. Who are these people?

A. Other employees. I have heard other management say that.

Q. Who said this?

A. I believe David Paolino agreed that I should not have been terminated. He said it was very excessive and it was probably because of nonproduction.

Q. Probably because of what?

A. Nonproduction.

Q. So David Paolino said you should not have been terminated, or did he say you should not have been terminated or you were terminated because the company viewed you

as a liability?
A. He said I should not have been terminated.
Q. Did he ever say the company viewed you as a liability?
A. No.
Q. Did anybody else ever say that the company viewed you as a liability?
A. Yes.
Q. Who?
A. Union members.
Q. Which union members?
A. I would have to say the president and vice president of the local.
Q. Are they Verizon employees?
A. Yes, they are both Verizon and union.
Q. They work for Verizon, they don't work for the union?
A. They work for both. My fellow employees I work besides. You know why they are doing it because you are sick. They have done it before. They discriminate. They have a past history of it. That is what I was told. I am not knowledgeable of all that, but that has

been said to me.
Q. The other people that speculated as to the reason for it, what did they base it on?
A. According to them, prior discriminations.
Q. Did they give you examples?
A. Disability, cancer.
Q. ~~Did~~ they tell you who?
A. I don't recall if they said exactly who. I know there were a couple of names mentioned, but I didn't really pay attention to the name. I didn't really care. It was just in conversation.
Q. At least no supervisor or manager at Verizon ever made a statement to you like that?
MR. GLADSTEIN: Like what?
Q. They viewed you as a liability to the company because of your illness?
A. No supervisor said those exact words.
Q. Did they say any words remotely similar to that?
A. They expressed their belief.
Q. How did they do that?
A. By saying that it appears that that is

why they terminated me, because they thought it was excessive.
Q. Who said that to you?
A. David Paolino.
Q. And he said to you that there are two things, one, the termination was excessive, or he did think it was excessive and it was done because the company viewed you as a liability? Before I thought you said that David said the termination was excessive?
A. No. I thought I said he gave a suggestion as to why.
Q. And that was because the company viewed you as a liability?
A. Correct, but not in so many words.
Q. When did he make this statement to you?
A. On the way walking me out the door. He thought it stunk. He thought it was excessive. When I returned to work for him about three months ago, we were talking and he felt that it was a possibility that it was because of my illness.
Q. What did he say exactly?
A. Exactly, I can't recall exactly. It was just the conversation. He was pretty

much telling me in not so many words it is just a belief, and not saying that it is true or anything like that.

Q. You keep saying not so many words, what words do you remember he said?

A. I remember him saying, I remember me saying what I believed and him saying that that was possible, he believed it was possible.

Q. You told him, I think I was terminated because of my illness. And he said, I think that is possible?

A. Yes.

Q. When did he say this?

A. A couple of months ago.

Q. Where were you when this conversation took place?

A. The East Greenwich central office.

Q. What else happened during that conversation?

A. Nothing.

Q. Did you initiate the conversation or how did it get started?

A. He started it by telling me that I had been doing a good job and they were all

Q. What have you been told?
A. I have been told that there is a 1 to 2 percent chance.
Q. Was your sex life affected by the treatment you were on or by the hepatitis C?
A. By the treatment, by the hepatitis C and the treatment, obviously the treatment.
Q. How was it affected by the hepatitis C?
A. Probably through the depression. I am not a medical doctor, so I don't know if the liver itself affects your ability.
Q. But you think it was just you were depressed so you were not as sexually active?
A. I can't answer that, but I know I was not sexually activity.
Q. When you were first married, how often did you have sex with your wife? I apologize, but I need to ask the questions.
MR. GLADSTEIN: You can answer that.
A. I would say at least once every two days, on average.
Q. And then did that decline over a period of time?

A. Just after the illness. After we learned, when we were, when I was first told to get into this medicine, my primary doctor told me I was only looking at about a year before I needed the transplant, according to what she was seeing.

Q. You said it started to decline before the illness, but you had been diagnosed well before this?

A. When I was first diagnosed, I was given wrong information. The doctors were not too sure about it. I was told I could do nothing.

Q. You were told, say that again?

A. I was told that most people do nothing and live a normal life.

Q. Who told you that, your primary care physician?

A. No. He sent me to a guy that I guess found it or whatever. He was the liver expert. He told me to talk to this guy because he did not know what I was to do and not to do. It was kind of new epidemic that just started.

Q. Who was that doctor?

A. I don't recall that doctor. I only saw him for ten minutes. He explained to me the options.

Q. But you saw a liver specialist before Dr. Sepe?

A. Yes.

Q. When you were first married in 2000, you had sex once every two days and it declined?

A. Yes.

Q. When did it star to decline?

A. Probably when I knew things were getting serious.

Q. Which was when?

A. My levels began to rise rapidly.

Q. Do you know when that was?

A. 2002, 2001.

Q. Before you went on the first treatment program?

A. Yes.

Q. Was that a physical effect or mental effect?

A. I don't know.

Q. Did you have any physical sexual problems, impotence?

A. Yes.
Q. When did that occur?
A. 2001, 2002.
Q. Did you seek treatment for that?
A. No.
Q. Did you take any Viagra or any other type of drug like that?
A. No.
Q. The frequency of your sexual activity, how did that decline then, give me numbers, if you recall?
A. I tried a couple of times a month, it wasn't working.
Q. How long did that continue for?
A. Well, once I started treatment and everything, it pretty much shut off everything.
Q. In terms of physical?
A. Yes, physical.
Q. When you went offer the treatment, were you able to have sexual activity again?
A. I tried. I tried a couple of times and a couple of times in a couple of years I was successful. That's about it.
Q. Subsequent to your divorce, are you

sexually active at this time?
A. Yes.
Q. You try to be?
A. I try to be.
Q. Do you have any physical sexual problems at this point?
A. Yes.
Q. What are those?
A. I really don't know, but I have tried Viagra since and it works. It helps me to be physical, but not always completion.
Q. Has any doctor told you this is related to your hepatitis C?
A. Not as of yet, no.
Q. Have you asked if it was related to the hepatitis C?
A. No.
Q. Are you in a relationship now?
A. Yes.
Q. How often are you able to have, is it a sexual relationship?
A. Yes.
Q. How often are you able to have sex now?
A. It has been an on-and-off relationship lately.

nauseous as a result of that?
A. Yes. I have been nauseous once already sitting here.
Q. And you say your mental abilities have gone defunct; what does that mean?
A. They have changed. I can see that. You know, I can still think and I get along, but it is slower. It takes me a little more time to remember, things like that. It is noticeable.
Q. And you think that is related to the hepatitis C?
A. Yes.
Q. Has anybody told you that?
A. No.
Q. Why do you think it is related to the hepatitis C?
A. Well, the lack of sleep, the fatigue, that affects you mentally anyway. So it is affecting me mentally.
Q. Has that affected you at work, loss of mental acute?
MR. GLADSTEIN: Hold on. I am going to object just to form in terms of affect you at work. I don't think that is

specific enough. Doing what at work. That is my objection.

Q. Had the loss of mental acute, has it had any affect on your job, on your ability to do your job?

A. No.

MR. DORAN: Nothing further.

MR. GLADSTEIN: Nothing further.

(CLOSED AT 1:40 P.M.)